

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2504 of 2024

Abdul Ansari, aged about 48 years, Gender-Male, S/o Md. Seraj Ansari @
Md. Seraj, Resident of Village-Paraand, Momindpura, Ambikapur, P.S.-
Ambikapur, District-Surguja (Chhatisgarh).

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary Food and Consumer Protection
Department, Govt. of Bihar, Patna.
2. The Collector, Samastipur.
3. The Block Supply Officer, Ujiyarpur, Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Vijay Anand, Adv.

For the Respondent/s : Mr. Standing Counsel 4

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

2 18-03-2024 Heard learned counsels for the parties.

2. The present writ petition has been filed for the
following relief(s):-

*“.... for a direction to
Provisionally release Public career truck
bearing Registration No. CG I5DH 7799
seized in connection with Ujiyarpur P.S.
Case No. 379/2023 dated 04.10.2023
registered Under section 420/467/468/34
of the L.P.C and 7 of the Essential
Commodities Act in favour of petitioner
to the satisfaction of Learned Collector-
cum- District Magistrate. Samastipur on
furnishing sufficient sureties and/or such
term/s as this Hon'ble court may deems
fit and proper subject to result of
criminal case and confiscation case, if*



any.”

3. Learned counsel appearing on behalf of the petitioner has stated that under similar circumstances, this Court in CWJC No. 697 of 2022 dated 07.07.2022 and CWJC No. 7145 of 2023 dated 22.06.2023 has directed the concerned District Magistrate to release the vehicle i.e. Tractor that was seized from the petitioner therein. Learned counsel for the petitioner has stated that the petitioner is similarly situated and that the petitioner is ready to furnish adequate security/surety for the purpose of release of vehicle as per the direction of the Collector-cum-District Magistrate, Samastipur. Further, it is submitted that the confiscation proceedings are in the nature of civil proceedings and it is ultimately the sale proceeds of the confiscated property that will go into the account of the State and the petitioner is ready and willing to provide adequate securities/sureties. Therefore, the Collector-cum-District Magistrate, Samastipur may be directed to release the vehicle in favour of the petitioner, subject to any other condition that may be imposed.

4. Learned counsel appearing on behalf of the respondents has stated that as the petitioner is ready to provide adequate securities/sureties and to abide by the reasonable terms and conditions that may be imposed by the Collector-cum-



District Magistrate, Samastipur, he has no objection if this Hon'ble Court directs the District Magistrate, Samastipur, to release the vehicle in favour of the petitioner subject to the petitioner providing adequate securities/sureties to the extent of the value of the food-grains and also subject to the petitioner abiding by other terms and conditions that may be imposed by the District Magistrate, Samastipur.

5. Having regard to the above facts and circumstances of the case and also the judgments of this Hon'ble Court referred above, this Court directs the Collector-cum-District Magistrate, Samastipur, to release the vehicle seized from the petitioner in connection with Ujiyarpur P. S. Case No. 379 of 2023, which are subject matter of the present writ petition, subject to the condition that the petitioner shall make available adequate and sufficient securities/sureties (not in cash or bank guarantees) to the satisfaction of the Collector-cum-District Magistrate, Samastipur, to the extent of the value of the vehicle which may be assessed and that the petitioner undertakes to abide by any other condition that may be imposed for the purpose of future proceedings by the Collector-cum-District Magistrate, Samastipur.

6. Learned counsel for the petitioner undertakes on



instruction from the petitioner that if the vehicle is released in his favour, in course of trial he will not raise any question with respect to the seizure of the vehicle and no identification issue shall be raised in course of trial. Further, the photographs of the jute/plastic bags containing the rice which may be exhibited in course of trial and the samples seized from the vehicle if obtained in accordance with law shall not be questioned by the petitioner and he will not claim any benefit out of this order in the pending proceedings and pursuant to the release of the vehicle in his favour.

7. Let the Collector-cum-District Magistrate, Samastipur, pass an appropriate order after valuation of the vehicle and other conditions to which the petitioner would be required to abide by. Such orders be passed within two weeks from the date of receipt/communication of this order.

8. With the above directions, the present Writ Petition is **allowed** to the extent indicated.

(A. Abhishek Reddy , J)

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